United Nations S/2008/783

Security Council

Distr.: General
16 December 2008

Original: English

Letter dated 12 December 2008 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1830 (2008) of 7 August 2008, by which the Council decided to extend the mandate of the United Nations Assistance Mission for Iraq (UNAMI) for a period of 12 months from the date of that resolution.

In that resolution, as in its previous resolutions extending the mandate of UNAMI, the Security Council recognized that the security of United Nations personnel is essential for UNAMI to be able to carry out its work for the benefit of the people of Iraq. Accordingly, it called upon the Government of Iraq and other Member States to continue to provide security and logistical support to the United Nations presence in Iraq.

As you are aware, the United Nations has continued to rely, inter alia, for this purpose upon the security and logistical support that has been provided by the multinational force in Iraq (MNF-I) pursuant to the authority granted to it by Security Council resolution 1546 (2004) of 8 June 2004 and subsequent relevant resolutions, including, most recently, resolution 1790 (2007) of 18 December 2007.

Detailed arrangements concerning the provision of that security support by the multinational force in Iraq are contained in the agreement concerning the establishment of security for UNAMI, which the United Nations concluded with the Government of the United States of America, as the lead MNF-I nation, on 8 December 2005.

In accordance with operative paragraph 1 of resolution 1790 (2007), the authorization for the multinational force in Iraq as set forth in resolution 1546 (2004) is due to expire on 31 December 2008. In view of the signing by the Governments of Iraq and of the United States of America on 17 November 2008 of the agreement on the withdrawal of United States forces from Iraq and the organization of their activities during their temporary presence in Iraq (the "Iraq-United States agreement"), it is my understanding that the authorization for the multinational force in Iraq as set forth in Security Council resolution 1546 (2004) will not be renewed.

Should that be the case, the agreement between the United Nations and the Government of the United States of America concerning the establishment of security for UNAMI will, pursuant to its terms, also terminate on 31 December 2008.

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On 6 November 2008, I stated in my report to the Security Council (S/2008/688) that the United Nations continues to operate in a complex security environment in Iraq and it continues to be necessary that not only the Government of Iraq but also other Member States provide security and logistical support to the United Nations presence in Iraq. At the same time, as the Security Council has repeatedly recognized, the security of United Nations personnel continues to be essential for UNAMI, and indeed for the wider United Nations presence in Iraq, to be able to carry out its work.

In view of the conclusion of the Iraq-United States agreement, I understand that forces of the United States of America will remain in Iraq, with the consent of the Government of Iraq, beyond 31 December 2008. It is also my understanding that the Government of the United States, with the consent of the Government of Iraq, is willing to have those forces continue to provide security, as they have done until now, as well as logistical, support for the United Nations presence in Iraq.

In these circumstances, I intend to seek to negotiate and conclude with the Government of the United States of America an amended agreement setting out detailed arrangements concerning the continued provision by United States forces in Iraq of security support for the United Nations presence in Iraq, to replace the agreement of 8 December 2005.

At the same time, it would be my intention to keep the Government of Iraq fully informed of those negotiations and to take the necessary steps to ensure that any new agreement that the United Nations concludes with the Government of the United States fully respects the sovereignty of Iraq and is fully consistent with the terms on which the Government of Iraq has consented that the forces of the United States remain in Iraq beyond 31 December 2008.

I should be grateful if you could confirm that the Security Council is agreeable to this manner of proceeding. Upon receipt of such confirmation, I will proceed promptly to open such negotiations with the Government of the United States of America with a view to concluding the negotiations and signing the amended agreement by 31 December 2008.

(*Signed*) **Ban** Ki-moon